

262 West Nueva Street  
San Antonio, TX 78207

FILED

JAN 03 2024

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY ne  
DEPUTY CLERK

Phillip "Baby Shark" Scott #645941

V.

Kelly Higgins DA of Hays County, TX (Official & Personal Capacity)

Jennifer Feldman DA of Comal County, TX (Official & Personal Capacity)

SA24CA00060G

Civil Action No

## CIVIL RIGHTS COMPLAINTS 42 U.S.C. § 1983

To The Honorable Judge of said Court:

Before the Court Phillip G. Scott File this, his Civil Complaint Pursuant to 42 USC § 1983 & in support of this will show the Court the Following:

### I PARTIES

A) P. Garland Scott is currently incarcerated at Comal County Jail, TX under Pending Cause-of-Action # CR2023-382A in which he was arrested on Nov. 11, 2022 For Criminal Trespass & subsequent Prohibited Substance in a Correctional Facility

At all times relevant to this Complaint the Respondants are/were:

B) District Attorney Jennifer Feldman of Comal County, TX

- 199 main Plaza, Suite 2007 New Braunfels, TX 78130

C) District Attorney Kelly Higgins of Hays County, TX

- 712 S. Stagecoach trail San Marcos, TX 78666



## II

### LEGAL CLAIMS & CAUSE OF ACTION

Plaintiff Claims that on Nov. 11<sup>th</sup>, 2022 he was arrested without Reasonable Suspicion / Probable Cause for the Offense of Criminal Trespass and subsequently a Prohibited Substance in a Correctional Facility which was the Derivative offense of the initial Criminal Trespass. The Criminal Trespass was exculpatory and was removed and deprives Plaintiff of a 'Fair Trial' & Due Process.

This Claim is actionable under the 14<sup>th</sup> amendment of the U.S. Constitution. Plaintiff claims Failure-to-Train Theory under the Due Process Clause.

## III

### FACTUAL

### SUMMARY

On 11/10/2022 I was arrested at Edelweiss Hotel / First Footing Homeless Shelter at 1063 IH 35 New Braunfels, TX 78130 for the offense of Criminal Trespass. I was searched at the scene, no contraband was found, & I was transported to Comal County Jail. I was searched again, no contraband was found. The second search was done by Deputy Oen. I was taken in front of the magistrate and was surprised to be told that I was being charged with two offenses Criminal Trespass & Prohibited Substance. The Criminal Trespass "disappeared" from the record & its derivative was left.

IV

RIGHT & CLAIMS TO RELIEF SOUGHT

Plaintiff seeks Injunction & Declaratory Relief

Plaintiff seeks Monetary & Punitive damages

Plaintiff seeks Attorney Fees & Filing Fees as a Prose litigant.

V

UNSWORN

DECLARATION

I declare under Penalty of Perjury that the following is both true & correct pursuant to 28 U.S.C. § 1746  
Dec, 22<sup>nd</sup>, 2023

  
Phillip G. Scott

CERTIFICATE OF SERVICE

I, hereby certify that on this the 22<sup>th</sup> day of DEC, 2023 a true & correct copy of the above and foregoing 42 U.S.C. § 1983 was transmitted to the office of the District Attorney Jennifer Feldman 199 main Plaza, Suite 2007 New Braunfels, TX 78130; District Attorney Kelly Higgins 712 S. Stagecoach Trail, San Marcos, TX 78130

